

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

AUTO-OWNERS INSURANCE COMPANY,)	
)	
Plaintiff,)	Case No: 1:19-CV-00066-SNLJ
)	
v.)	
)	
BLAIR LEASING, LLC,)	
)	
Defendant.)	
_____ /)	
)	
BLAIR LEASING, LLC,)	
)	
Counter-Plaintiff,)	
)	
v.)	
)	
AUTO-OWNERS INSURANCE COMPANY,)	
)	
Counter-Defendant.)	
_____ /)	

**DEFENDANT/COUNTER-PLAINTIFF’S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFF/
COUNTER-DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant/Counter-Plaintiff Blair Leasing, LLC (“Blair Leasing”), by and through the undersigned Counsel, and, pursuant to Fed. R. Civ. P. 6(b)(1) and Local Rule 1.05, respectfully submits this Unopposed Motion for Extension of Time to File a Response to Plaintiff/Counter-Defendant Auto-Owners Insurance Company’s (“Auto-Owners”) Motion for Summary Judgment. In support, Blair Leasing states:

1. On June 11, 2020, this Court entered an Amended Case Management Order, which set July 7, 2020 as the deadline to file dispositive motions and August 4, 2020 as the deadline to file opposition briefs to dispositive motions. [*See* Doc. 33].

2. On June 30, 2020, Blair Leasing filed an unopposed Motion to extend the discovery deadline to complete the depositions of Auto-Owners' corporate representative and claim representative, which are being scheduled by agreement, and to obtain certain supplemental discovery addressed in a good faith letter sent to Auto-Owners' counsel on June 16, 2020. [See Doc. 34]. This Court granted said Motion on July 1, 2020 and established August 3, 2020 as the deadline to complete this discovery. [See Doc. 35].

3. Due to complications arising as a result of the COVID-19 pandemic, on July 22, 2020, the parties jointly requested an extension of the August 3, 2020 discovery deadline to September 30, 2020. [See Doc. 47]. This Court granted said request on July 23, 2020 and established September 30, 2020 as the deadline to complete the two remaining depositions and resolve the supplemental discovery issues raised in the June 16, 2020 good faith letter. [See Doc. 48].

4. Meanwhile, on July 10, 2020, Auto-Owners filed three Motions: a Motion to File Summary Judgment Motion Out of Time [see Doc. 42]; a Motion for Leave to File a Memorandum Exceeding the Page Limit Set Forth in Local Rule 4.01 [see Doc. 43]; and, without approval from this Court to file out of time, a Motion for Summary Judgment [see Doc. 44] with a corresponding Memorandum [see Doc. 45] and Statement of Facts [see Doc. 46].

5. On July 29, 2020, this Court granted Auto-Owners' Motion to File Summary Judgment Out of Time, thereby extending the filing deadline to July 10, 2020 [see Doc. 49], as well as Auto-Owners' Motion to File a Memorandum Exceeding the Page Limit Set Forth in Local Rule 4.01 [see Doc. 50].

6. In order to fully and properly respond to Auto-Owners' Motion for Summary Judgment and corresponding Memorandum of Law and Statement of Facts, Blair Leasing needs to complete the two remaining depositions and obtain the previously requested supplemental discovery from Auto-Owners.

7. The parties have been working diligently to complete the needed depositions and production of supplemental discovery by agreement and currently anticipate completing such discovery by the pending deadline of September 30, 2020.

8. Pursuant to Fed. R. Civ. P. 6(b)(1), this Court may, for good cause, extend the time for Blair Leasing to respond to Auto-Owners' Motion for Summary Judgment and associated Memorandum of Law and Statement of Facts. Local Rule 1.05 also provides this Court with authority to extend Blair Leasing's deadline "for good cause."

9. For these reasons, Blair Leasing respectfully requests this Court extend Blair Leasing's deadline to respond to Auto-Owners' Motion for Summary Judgment, as well as the associated Memorandum of Law and Statement of Facts, to October 30, 2020, allowing Blair Leasing to complete the remaining discovery prior to filing a response.

10. This matter is not set for trial until May 10, 2021. [*See* Doc. 33].

11. The undersigned counsel has conferred with counsel for Auto-Owners regarding this request for an enlargement of time, and Auto-Owners has no objection.

12. This Motion is not submitted for purposes of delay, and neither party will be prejudiced by the granting of this Motion.

WHEREFORE, Defendant/Counter-Plaintiff Blair Leasing, LLC respectfully requests this Court grant the instant Unopposed Motion for Extension of Time and extend Blair Leasing, LLC's deadline to respond to Auto-Owners' Motion for Summary Judgment, as well as the associated Memorandum of Law and Statement of Facts, until October 30, 2020.

Respectfully submitted,

/s/ J. Drew Houghton

J. DREW HOUGHTON, MBN 18080 OK

LARRY E. BACHE, JR., MBN 91304 FL

MERLIN LAW GROUP, P.A.

One Leadership Square

211 N. Robinson, Suite 210

Oklahoma City, OK 73102

Telephone: (405) 218-1105

Facsimile: (405) 218-1106

Email: dhoughton@merlinlawgroup.com

Email: lbache@merlinlawgroup.com

Attorneys for Blair Leasing, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st of July, 2020, a true and correct copy of the foregoing was served via CM/ECF upon:

BROWN & JAMES, P.C.

Bradley R Hansmann, Esq.

Travis S. McDonald, Esq.

800 Market Street

Suite 1100

St. Louis, MO 63101

Email: bhansmann@bjpc.com

Email: tmcdonald@bjpc.com

Attorneys for Auto-Owners Insurance Company

/s/ J. Drew Houghton

J. Drew Houghton